

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

SEBASTIAN LEIGH ECCLESTON,

Petitioner,

V.

DAVID ORTIZ,

Respondent.

Civ. No. 20-7042 (RMB)

MEMORANDUM & ORDER

Petitioner is a federal prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner challenges his underlying criminal conviction and sentence entered in the United States District Court for the District of New Mexico in this § 2241 action. In June, 2021, Petitioner indicated that the District of New Mexico modified his criminal sentence from 417 months to 228 months. (*See* Dkt. No. 18.) Indeed, a review of Petitioner’s criminal docket in the District of New Mexico, Crim. No. 95-14-2, confirms Petitioner’s statement to this Court.

In the June, 2021 filing, Petitioner indicated he would seek dismissal of this action once he received his new release date from the Federal Bureau of Prisons (“BOP”). (*See* Dkt. No. 18.) That may have now occurred as a review of the Federal Bureau of Prisons inmate locator indicates that Petitioner’s release date is October 27, 2022. *See* <https://www.bop.gov/inmateloc/> (last visited October 20, 2021). Accordingly, given Petitioner’s previous indication to this Court that he no longer wishes to move forward with this § 2241 habeas case, the Clerk shall dismiss this action without prejudice. If Petitioner

has not yet received his new release date from the BOP considering his new lower sentence, he can so alert this Court in writing within thirty (30) days of the date of this order.

Accordingly, IT IS on this 26th day of October 2021,

ORDERED that Petitioner's petition for writ of habeas corpus is dismissed without prejudice given Petitioner's indication that he no longer wishes to move forward with this action; and it is further

ORDERED that if Petitioner has not yet received his new release date from the BOP considering his reduced sentence, he can so alert this Court in writing within thirty (30) days.

ORDERED that the Clerk mark this case as closed; and it is further

ORDERED that the Clerk serve this order on Petitioner by regular U.S. mail.

s/ Renée Marie Bumb
RENÉE MARIE BUMB
United States District Judge